ROSEVILLE ZONING BOARD OF APPEALS

CIVIC CENTER COUNCIL CHAMBERS
29777 GRATIOT AVENUE
ROSEVILLE, MI 48066

TUESDAY, FEBRUARY 16, 2010
7 p.m.

ROLL CALL:

PRESENT:	Mayor	John Chirkun
	Mayor Pro Tem	Robert Taylor
	Board Members	Salvatore Aiuto
		Jan Haggerty
		Frank Maisano
		Colleen McCartney
		Bill Shoemaker
ABSENT:		None

OTHERS PRESENT:

City Manager	Stephen Truman
City Attorney	Tim Tomlinson
City Clerk	Richard Steenland

Mayor John Chirkun called the meeting to order at 7 p.m. with the Pledge of Allegiance.

I. ROUTINE MATTERS

- Approval of minutes of Regular Meeting held January 19, 2010.

BOARD MEMBER JAN HAGGERTY moved, BOARD MEMBER FRANK MAISANO seconded to approve minutes of the Regular Meeting held January 19, 2010.
MOTION CARRIED UNANIMOUSLY

II. NEW BUSINESS

1. Public Hearing and Board consideration for variance to continue to have 3´ x 5´ banners on the property located at 30875 Groesbeck, Maxx Towing & Automotive, Robert Maksym petitioners.

Robert Maksym, 30875 Groesbeck, appeared and answered the Board's questions. .

City Clerk Richard Steenland received no correspondence.

No one from the public wished to be heard.

BOARD MEMBER JAN HAGGERTY moved, BOARD MEMBER COLLEEN MCCARTNEY seconded to close the Public Hearing.
MOTION CARRIED UNANIMOUSLY

BOARD MEMBER SALVATORE AIUTO moved, BOARD MEMBER JAN HAGGERTY seconded to approve the petitioner's request for a variance to continue to have 3´x 5´ banners on the property located at 30875 Groesbeck based upon the finding that an undue hardship exists. The current economic conditions do not allow the petitioner to afford the expense of permanent code compliant advertisement. The following conditions were placed on this request:

1. The variance is approved for one year.
2. All banners must be maintained in good condition.

IT IS RESOLVED THAT, pursuant to the application and testimony of the petitioner, and the Zoning Board of Appeals having taken into consideration the nature of the land in question, buildings and other structures located thereon and adjacent thereto, the character of the neighborhood and its general physical development, together with the applicable zoning, and having given consideration to the health, safety and welfare of the area in question, and having considered all of the pertinent factors, it is the finding of this Zoning Board of Appeals that granting the following variance:

PERMANENT PARCEL NO. 14-08-106-001 VAR. #0210

will be in harmony with the general purpose and intent of Sign Ordinance 1064 Section 264-9-B and will not be injurious to the neighborhood or otherwise detrimental to the public welfare and therefore, is hereby granted for a period of one year.
MOTION CARRIED UNANIMOUSLY

2. Public Hearing and Board consideration for variance to reconstruct the existing restaurant which has a front yard setback of 110´ on the property at 15401 12 Mile Road, McDonald's Restaurant petitioner, Frank Martin, Dorchen/Martin Assocaites, Inc. representative.

Tom Gergich, Area Real Estate Manager for McDonald's, 1021 Karl Greimel Drive, Suite 200, Brighton, MI 48116 appeared and answered questions for the Board.

Dave G. Younger, owner/operator of this McDonald's store, 25630 Van Dyke #2, Center Line, Mi 48015, appeared with Mr. Gergich on behalf of this request.

City Clerk Richard Steenland received no correspondence.

Dennis Tracy, 18256 Davidson, Fraser, MI, is a neighboring property owner and has no objection to this request; however, he believes the current position of the dumpster is encroaching onto his property.

BOARD MEMBER COLLEEN MCCARTNEY moved, BOARD MEMBER JAN HAGGERTY seconded to close the Public Hearing.
MOTION CARRIED UNANIMOUSLY

BOARD MEMBER FRANK MAISANO moved, BOARD MEMBER COLLEEN MCCARTNEY seconded to approve the variance request to reconstruct existing McDonald's restaurant with a front yard setback of 110´ based upon the finding that a unique circumstance exists. The proposed building setback is greater than the existing building setback and greater than the setback for the neighboring buildings to the east and west. All encroachment issues must be resolved prior to the commencement of construction.

IT IS RESOLVED THAT, pursuant to the application and testimony of the petitioner, and the Zoning Board of Appeals having taken into consideration the nature of the land in question, buildings and other structures located thereon and adjacent thereto, the character of the neighborhood and its general physical development, together with the applicable zoning, and having given consideration to the health, safety and welfare of the area in question, and having considered all of the pertinent factors, it is the finding of this Zoning Board of Appeals that granting the following variance:

PERMANENT PARCEL NO. 14-07-351-015 VAR. #0310

will be in harmony with the general purpose and intent of Zoning Ordinance 1202 Section 1800(h) and will not be injurious to the neighborhood or otherwise detrimental to the public welfare and therefore, is hereby granted.
MOTION CARRIED UNANIMOUSLY

3. Public Hearing and Board consideration for variance to reconstruct the existing restaurant providing a 10´ x 50´ loading space in the side yard facing Calahan on the property at 15401 12 Mile Road, McDonald's Restaurant petitioner, Frank Martin, Dorchen/Martin Associates, Inc. , representative.

Tom Gergich, Area Real Estate Manager for McDonald's, 1021 Karl Greimel Drive, Suite 200, Brighton, MI 48116 appeared and answered questions for the Board.

Dave G. Younger, owner/operator of this McDonald's Store, 25630 Van Dyke #2, Center Line, Mi 48015, appeared with Mr. Gergich on behalf of this request.

City Clerk Richard Steenland received no correspondence

No one from the public wished to be heard.

BOARD MEMBER SALVATORE AIUTO moved, BOARD MEMBER FRANK MAISANO seconded to close the Public Hearing.
MOTION CARRIED UNANIMOUSLY

BOARD MEMBER COLLEEN MCCARTNEY moved, BOARD MEMBER JAN HAGGERTY seconded to approve the request for a variance to reconstruct the existing McDonald's restaurant providing a 10´ x 50´ loading space in the side yard facing Calahan on the property at 15401 12 Mile Road based upon the finding that a unique circumstance exists. The side yard location for the loading area will provide more efficient traffic movement than a rear loading area.

IT IS RESOLVED THAT, pursuant to the application and testimony of the petitioner, and the Zoning Board of Appeals having taken into consideration the nature of the land in question, buildings and other structures located thereon and adjacent thereto, the character of the neighborhood and its general physical development, together with the applicable zoning, and having given consideration to the health, safety and welfare of the area in question, and having considered all of the pertinent factors, it is the finding of this Zoning Board of Appeals that granting the following variance:

PERMANENT PARCEL NO. 14-07-351-015 VAR. #0410

will be in harmony with the general purpose and intent of Zoning Ordinance No. 1202 Sections 2003(1) and 2003(9) and will not be injurious to the neighborhood or otherwise detrimental to the public welfare and therefore, is hereby granted.
MOTION CARRIED UNANIMOUSLY

IV. HEARING OF THE PUBLIC

No one from the public wished to be heard.

V. ADJOURNMENT

BOARD MEMBER JAN HAGGERTY moved, BOARD MEMBER FRANK MAISANO seconded that the agenda having been acted upon, the meeting is hereby adjourned at 7:35 p.m.
MOTION CARRIED UNANIMOUSLY

Respectfully submitted,
Richard M. Steenland, City Clerk